

Report Date: September 21, 2021

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Sep 21, 2021

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Augustus Johnley

Case Number: 0980 2:18CR00003-TOR-1

Address of Offender:

, Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: December 19, 2018

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 18 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Michael James Austen Ellis

Date Supervision Commenced: May 22, 2019

Defense Attorney: Craig Webster

Date Supervision Expires: May 21, 2024

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 03/04/2021, 05/28/2021 and 08/06/2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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7	<u>Special Condition #7:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Johnley is considered to be in violation of his supervised release conditions by consuming a controlled substance, methamphetamine, on or about September 17, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On September 17, 2021, Mr. Johnley reported to the probation office and submitted to urinalysis (UA). The specimen was presumptive positive for methamphetamine. The specimen was sent to Alere Toxicology Services (Alere) laboratory for confirmation testing.

As of the date of this petition, the results have not been received.

Prob12C

Re: Johnley, Augustus
September 21, 2021
Page 2

- 8 **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnley is considered to be in violation of his supervised release conditions by consuming a controlled substance, methamphetamine, on or about September 20, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On September 20, 2021, Mr. Johnley's substance abuse counselor at the Yakama Nation Tiinawit Program reported that Mr. Johnley provided a urinalysis that was positive for methamphetamine.

- 9 **Special Condition #6:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Johnley is considered to be in violation of his supervised release conditions by failing to follow his substance abuse treatment recommendations since on or about September 20, 2021.

On May 22, 2019, a U.S. probation officer met with Mr. Johnley upon his release from custody. Mr. Johnley reviewed and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On September 20, 2021, Mr. Johnley's substance abuse counselor at the Yakama Nation Tiinawit Program reported that Mr. Johnley was in noncompliance with his treatment plan due to having two positive methamphetamine tests in a span of 4 days.

The U.S. Probation Office respectfully recommends the Court incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 21, 2021

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

Prob12C

Re: Johnley, Augustus

September 21, 2021

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

September 21, 2021

Date